

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

JOANNE M. ROYER,  
Plaintiff

V.

BLUE CROSS BLUE SHIELD  
OF MASSACHUSETTS, INC.,  
BLUE CROSS BLUE SHIELD  
LONG-TERM DISABILITY BENEFIT  
PLAN, a/k/a OMNIBUS WELFARE  
BENEFITS PLAN  
KEMPER NATIONAL SERVICES, INC.,  
BROADSPIRE SERVICES, INC., and  
SHELDON MEYERSON, MD.,  
Defendants

**CIVIL ACTION NO:**  
**NO: 05-CV-10448-GAO**

**PLAINTIFF'S OBJECTION TO THE COURT'S ALLOWANCE OF THE  
DEFENDANTS, KEMPER NATIONAL SERVICES, INC. ("KNS"),  
BROADSPIRE SERVICES, INC. ("BROADSPIRE") AND SHELDON  
MEYERSON, M.D. ("DR. MEYERSON")'S MOTIONS TO DISMISS COUNTS I  
AND II OF THE PLAINTIFF'S SECOND AMENDED COMPLAINT AS TO  
EACH OF THEM.**

Now comes the Plaintiff in the above matter and does hereby object to the dismissal of Counts I and II as to the Defendants, "KNS," "Broadspire," and "Dr. Meyerson," on the basis that a claims administrator and its servants and or agents are properly named defendants in a claim for short term and long term disability benefits inasmuch as this Plaintiff will be unduly prejudiced by same in the pursuit of both her long term and the balance of the short term disability benefits due her, especially given that one or more of the parties responsible for determining entitlement to and/or payment of those benefits are not fixed but can and do often switch from time to time, during the course of the various aspects of the dual claim periods, especially as evidenced in this action, wherein "KNS," began the handling of the short term disability benefits and then was succeeded by "Broadspire."

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The ERISA process is sufficiently complex so that the claimant, an 18 year employee and her counsel should not have to second guess who is or was in control at any time during the transition from "KNS," to "Broadspire," and in part, in the control by the conduct of "Dr. Meyerson," as well as who is or may be in control during the transition from the claim of short term disability benefits to long term disability benefits.

Therefore, please timely note the Plaintiff's formal objection to the court's dismissal of Counts I and II as to the Defendants, Kemper, Broadspire and Dr. Meyerson.

Dated: February 17, 2006

The Plaintiff, JoAnne M. Royer  
By Her Attorney:

s/

  
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